



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

July 25, 2017

SUBJECT: Authorize Mayor to Sign Letter Opposing SB 35 (Weiner)
Affordable Housing: Streamlined Approval Process

PREPARED BY: Greg Greeson, City Manager

Recommendation

Staff recommends Council authorize the Mayor to sign letter opposing SB 35 (Weiner) Affordable Housing: Streamlined Approval Process.

Background/Discussion

Recently, staff received an email from the League of California Cities urging the City to consider opposing SB 35 and the opportunity over the recess when legislators return home to communicate the City's concerns regarding the bill. Staff has attached the League's letter of opposition and a sample letter of opposition to SB 35 for the Mayor's signature.

League staff provided the following information about SB 35:

"SB 35 (Wiener) is a measure that seeks to preempt local discretionary land use authority, eliminate opportunities for public review, and ban project-level environmental review for multifamily housing developments. Purported to be a response to the state's needs for market rate and affordable housing, SB 35 sidesteps the reality that state and federal affordable housing funding have slowed to a trickle. More than \$1 billion annually in affordable housing money has evaporated with the elimination of redevelopment agencies in 2011. Funds from the 2006 state housing bond have been exhausted and federal dollars have been declining for decades. This massive withdraw of resources has contributed to the current challenges, yet no significant source of ongoing affordable housing funding is on the horizon

While it is supposedly structured to focus on "bad actors" it is structured in a way that all affected cities can anticipate losing local discretion, because it is based on unrealistic production quotas that have no connection to market conditions or the availability of affordable housing subsidies.

SB 35 seeks to streamline housing approvals by eliminating public input, prohibiting CEQA, and removing nearly all local discretion. Specifically, this measure:

- *Applies to multifamily housing developments containing two or more units.*

- *Prohibits parking requirements if the development is within one-half mile of public transit, located within a historic district, or has a car share service within one block.*
- *Limits zoning and design review.*
- *Requires prevailing wage.*

Exemptions have been granted in the bill to the coastal zone, historic areas, and communities that fall below certain population thresholds (less than 2,500)."

Attachments

1. League of California Cities Notice of Opposition Letter Regarding SB 35 (Weiner) Affordable Housing: Streamlined Approval Process
2. Sample Letter Opposing SB 35 (Weiner) Affordable Housing: Streamlined Approval Process



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

July 5 2017

The Honorable David Chiu, Chair
Assembly Committee on Housing and Community Development
1020 N Street, Room 162
Sacramento, CA 95814

RE: SB 35 (Wiener) Affordable Housing: Streamlined Approval Process.
Notice of Opposition (as amended 7/05/17)

Dear Chair Chiu:

The League of California Cities is writing to oppose SB 35 (Wiener), which would preempt local discretionary land use authority by making approvals of multifamily developments that meet inadequate criteria, “ministerial” actions. Like the flawed By-Right proposal from last year, this measure would rely on often outdated community plans and would compromise critical project level environmental review, public input, and community integrity.

The League of California Cities agrees that California is facing a housing supply and affordability crisis. In fact, one of the League’s four strategic goals for 2017 is focused on improving the affordability of workforce housing and securing additional funds for affordable housing. Unfortunately, SB 35 as recently amended is not the balanced proposal that is needed to provide meaningful relief from soaring home prices.

SB 35 is purported to be a response to the state’s needs for market rate and affordable housing. However, it sidesteps the reality that state and federal affordable housing funding have slowed to a trickle. More than \$1 billion annually in affordable housing money has evaporated with the elimination of redevelopment agencies in 2011. Funds from the 2006 state housing bond have been exhausted and federal dollars have been declining for decades. This massive withdraw of resources has contributed to the current challenges, yet no significant source of ongoing affordable housing funding is on the horizon.

It is very important to note that there are many laws related to housing planning and approvals that are already on the books. The Housing Accountability Act requires local governments to approve affordable housing projects with very limited exceptions. Local governments cannot deny housing projects just because residents object to the proposal.

Eliminating opportunities for public review of major multifamily developments goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representatives of their support or concerns. “Streamlining” in the context of SB 35 appears to mean a shortcut around public input. While it may be frustrating for some developers to address neighborhood concerns about traffic, parking and other development impacts, those directly affected by such projects have a right to be heard. Public engagement also often leads to better projects. Not having such outlets will increase public distrust in government and additional ballot measures dealing with growth management.

SB 35 would also completely exempt multifamily projects from CEQA, undermining one of the state's premier environmental protection laws. While these laws have their critics and issues, most would acknowledge that they have made enormous contributions to the environment and quality of life. If there are issues with these laws then they must be addressed, not ignored with preference to work around the edges.

The League of California Cities is supporting various legislative efforts this year to develop and restore affordable housing funding, and to streamline housing approvals without undermining important environmental review and public engagement. Proposals include SB 2 (Atkins), which would charge new fees on real estate documents, SB 3 (Beall), which would authorize a \$3 billion general obligation housing bond, and SB 540 (Roth), which would streamline housing project approvals by developing up-front specific plans and conducting all associated environmental studies on areas designated by local governments.

While the League commends the author for being a strong affordable housing advocate, SB 35 currently falls short. The League is committed to working collaboratively on finding comprehensive solutions to the housing supply and affordability crisis gripping many areas of the state. However, in its present form, the League must oppose SB 35. If you have any questions, please do not hesitate to contact me at (916) 658-8264.

Sincerely,



Jason Rhine
Legislative Representative

cc: Senator Scott Wiener
Members, Assembly Committee on Housing and Community Development
Lisa Engel, Chief Consultant, Assembly Committee on Housing and Community
Development
William Weber, Consultant, Assembly Republican Caucus

*****CITY LETTERHEAD*****

June 26, 2017

The Honorable Scott Wiener
California State Senate
State Capitol Building, Room 4066
Sacramento, CA 95814
VIA FAX: 916-651-4911

**RE: SB 35 (Wiener) Affordable Housing: Streamlined Approval Process.
Notice of Opposition (as amended 6/20/17)**

Dear Senator Wiener:

The City/Town of _____ is opposed to your SB 35 (Wiener), which would pre-empt local discretionary land use authority by making approvals of multifamily developments, that meet inadequate criteria, “ministerial” actions, thus bypassing the California Environmental Quality Act (CEQA) and public input.

SB 35 is devised as a solution to the state’s needs for market rate and affordable housing, however it dodges the reality that state and federal affordable housing funding have slowed to a trickle. More than \$1 billion annually in affordable housing money has evaporated with the elimination of redevelopment agencies in 2011. Funds from the 2006 state housing bond have been exhausted and federal dollars have been declining for decades. This massive withdraw of resources has contributed to the current challenges, yet no significant source of ongoing affordable housing funding is on the horizon.

[If you have specific examples of the impact of this bill on your city/town, please include here.]

Eliminating opportunities for environmental and public review of major multifamily developments goes against the principles of local democracy and public engagement. Public hearings allow members of the community to inform their representative of their support or concerns. “Streamlining” in the context of SB 35 appears to mean a shortcut around public input and environmental review. While frustrating for some to address neighborhood concerns about traffic, parking and other development impacts, those directly affected by such projects have a right to be heard. Public engagement also often leads to better projects. Not having such outlets will increase public distrust in government and additional ballot measures dealing with growth management.

For these reasons, the City/Town of _____ opposes your SB 35.

Sincerely,

NAME

TITLE

CITY/TOWN of _____

cc: Your Senator & Assembly Member
Your League Regional Public Affairs Manager (via email)
Meg Desmond, League of California Cities, mdesmond@cacities.org